

REMARKS

The Office Action mailed April 27, 2004, has been reviewed, and the Examiner's comments have been carefully considered. Claim 8 has been amended to correct a typographical error. In view of the reasons that follow, claims 1-10 remain pending and are submitted for reconsideration.

Additionally, Applicants appreciate the Examiner's acknowledgement of Applicants' claim for foreign priority and receipt of the priority documents and the Examiner's consideration of the IDS filed October 28, 2003.

35 U.S.C. § 102 Rejections

Claims 1-10 are rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,574,956 (Moraal). The rejections should be withdrawn because the cited reference fails to disclose, teach, or suggest all the features of the claimed invention.

For example, Moraal does not anticipate the claimed invention because Moraal does not disclose, teach, or suggest "determin[ing] whether or not the engine is in a predetermined rapid deceleration state" and "control[ling] the temperature of the exhaust gas to a second target exhaust gas temperature lower than the first target exhaust gas temperature via the exhaust gas temperature adjusting [mechanism] while increasing the flow rate of the exhaust gas via the exhaust gas flow rate adjusting [mechanism], when the engine is in the predetermined rapid deceleration state during regeneration" as called for in independent claims 1, 9, and 10.

In contrast, Moraal discloses a method for protecting a diesel particulate filter (DPF) 10 from overheating by interrupting regeneration based on mass air flow rate and intake manifold pressure. (Moraal at col. 3, lines 59-67.) Specifically, protection of the particulate filter 10 is accomplished by (a) controlling an exhaust gas recirculation (EGR) valve 3 to obtain a desired mass air flow rate MAF_{des} (Moraal at col. 4, lines 8-12; Abstract) and (b) controlling an intake throttle valve 2 to maintain a modified intake manifold absolute pressure setpoint MAP_{mod} (Moraal at col. 4, lines 20-24; Abstract). As shown in Fig. 4, as the positions of the intake throttle valve 2 and the position of the EGR valve 3 are modified (graph 66), the measured mass air flow rate MAF_{mes} approaches the desired mass air flow rate MAF_{des} (graph 63) and the measured intake manifold absolute pressure MAP_{mes} approaches

the modified intake manifold absolute pressure setpoint MAP_{mod} (graph 62). Thus, Moraal discloses protecting a particulate filter from excessive temperature based on mass air flow rate and intake manifold pressure.

Nothing in Moraal, however, teaches or suggests determining whether or not an engine 5 is in a predetermined rapid deceleration state or increasing an exhaust gas flow rate via an exhaust gas flow rate adjusting mechanism when the engine 5 is in the predetermined rapid deceleration state as called for in claims 1, 9, and 10. For at least these reasons, Moraal does not anticipate the claimed invention. Reconsideration and withdrawal of the rejection of claims 1, 9, and 10 are respectfully requested.

Claims 2-8 depend from claim 1 and are allowable therewith for at least the reasons set forth above without regard to further patentable subject matter contained therein. Reconsideration and withdrawal of the rejection of claims 2-8 are respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, Applicants believe that the application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. If there are any questions regarding the prosecution of this application, the Examiner is invited to contact the undersigned attorney at the phone number listed below.

Date

10/22/04

FOLEY & LARDNER LLP

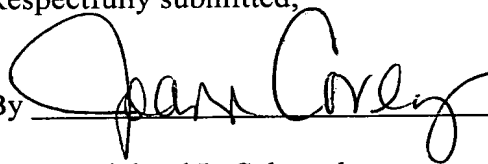
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